

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 14**

| | | |
|--|------------------------|------------------------------|
| HOBSON BEARING INTERNATIONAL, INC., |) | |
| |) | |
| | Respondent, | |
| and |) | Case No. 14-CA-156114 |
| |) | |
| TERA LOPEZ, |) | |
| |) | |
| | Charging Party. |) |

EMPLOYER’S EXCEPTIONS TO ALJ’S DECISION

COMES NOW Respondent Hobson Bearing International, Inc., by and through its attorneys and for its exceptions to the Administrative Law Judge’s Decision dated August 24, 2016, states as follows:

- I. The ALJ erred, on pages 20-21 of her decision, in her analysis and conclusion that Respondent unlawfully interrogated Lopez on July 8, 2015. The ALJ failed to properly apply the *Rossmore* and *Bourne* test to the record evidence. Under the totality of the circumstances the discussion clearly failed to rise to the level of an unlawful interrogation.

- II. The ALJ erred in her analysis and finding, at pages 27 to 34, that Lopez’s termination was motivated by her contacts with the NLRB by misapplying the *Wright Line* factors, and her finding that Respondent’s reasons for terminating Lopez were pretextual as part of that finding.

- III. The ALJ erred in her analysis and finding, at pages 34 to 36, that Lopez was not a supervisor, under Section 2(11) of the Act, and therefore not entitled to the protection of 29 U.S.C.A.A. Section 1557 and 1558.

- IV. The ALJ erred at page 36 by not properly weighing the evidence of Greenwood and Halle who testified that Lopez exercised authority over their working hours and attendance when determining Lopez was not a supervisor under Section 2(11) and classifying this direct evidence as merely “inferences, suppositions or conclusionary statements.”
- V. The ALJ was in error and prejudiced Respondent by failing to order the cell phone which contained the recording of the July 8 conversation to be produced for forensic examination.

WHEREFORE, for the reasons set forth above and in its Supporting Brief simultaneously filed on this date, Respondent submits that its Exceptions must be granted and the decision of the Administrative Law Judge must be reversed as set forth in Respondent’s Exceptions and Brief in Support and that the corresponding Complaint allegations be dismissed. Respondent has, on this date, in accordance with Sections 102.114 and 102.46 of the Board’s Rules and Regulations, filed a supporting Brief.

Respectfully submitted,

**BLANCHARD, ROBERTSON, MITCHELL &
CARTER, P.C.**

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**ATTORNEYS FOR
HOBSON BEARING INTERNATIONAL, INC.**

Dated September 16, 2016

CERTIFICATE OF SERVICE

I hereby certify that I have this 16thth day of September, 2016, served a true and correct copy of the foregoing upon the following via E-filing:

William LeMaster, General Counsel
National Labor Relations Board
8600 Farley Street, Suite 100
Overland Park, KS. 66212

Division of Judges
1099 14th Street NW
Room 5400 East
Washington, D.C. 20570-0001

Additionally, I hereby certify that I have this 16thth day of September, 2016, served a true and correct copy of the foregoing upon the following via e-mail:

Eric Crinnian, eric@bculegal.com

/s/Karl W. Blanchard, Jr.